

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

YUSUF SHABAZZ,

Petitioner

VS.

THALRONE WILLIAMS,

Respondent

CIVIL ACTION NO.: 5:07-CV-413 (HL)

ORDER

Petitioner **YUSUF SHABAZZ** has filed a notice of appeal (R. at 50, 51) from the Court's Order that denied his 28 U.S.C. § 2254 petition. (R. at 48). The Eleventh Circuit Court of Appeals has mandated that the Court construe petitioner's notice of appeal as an application for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c). *Edwards v. United States*, 114 F.3d 1083 (11th Cir. 1997). Under § 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in this Court's May 18, 2010 Order, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

Also before the Court is petitioner's motion for leave to proceed *in forma pauperis* on appeal (R. at 52). Said motion is **DENIED AS MOOT**.

SO ORDERED, this 21st day of June, 2010.

s/ **Hugh Lawson**

HUGH LAWSON

UNITED STATES DISTRICT COURT